

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RICHARD R. RUSSO,

Plaintiff,

v.

BRYAN DASILVA, et al.,

Defendants.

**Civil Action No.
22-10504-WGY**

ORDER

YOUNG, D.J.

Richard R. Russo, who was confined at the Middlesex County House of Correction when he commenced this action, filed a complaint without paying the \$402 filing fee or filing a motion for leave to proceed *in forma pauperis*. On May 11, 2022, the Magistrate Judge ordered Russo to pay the fee or seek leave to proceed without *in forma pauperis* and stated that failure to comply with the order within twenty-one days could result in dismissal of the action.

Russo never responded to the Magistrate Judge's May 11, 2022 order. Although the copy of the order that the clerk mailed to him was returned as undeliverable, the order is deemed properly served because the clerk mailed it to the address Russo had provided and he has not notified the Court of any change of address. *See* L.R. 83.5.5(h) (D. Mass.).

This action was subsequently reassigned to the undersigned. Because Russo did not respond to the Magistrate Judge's order regarding the filing fee, the Court orders that this action be **DISMISSED WITHOUT PREJUDICE** for failure to pay the filing fee.

So ordered.

/s/ William G. Young

William G. Young

United States District Judge

Dated: 9/26/2022